

MANAGING SPENT CONVICTIONS

Put On Facebook on Sunday the 28th Day of October 2018.

This Message was put on the 4 Wattsapp Chats I am involved with, firstly it was placed on the West End Police Community Crime Council, the World Day of The Boy Child, the International Men's Day Movement and Diego Martin Community Crime Prevention Council, Sunday the 28th day of October 2018. It reads as follows:-

I put this question on this WEPSCC on the 26th day of October and hopefully may get a response when we have our next monthly meeting on Wednesday the 31st day of October 2018, in the West End police Station. In the interim, if any one on this West End Police Station Community Council Chat, can respond to the following, I will be very happy.

As the Secretary of the non profit company, Men Against Violence Against Women (MAVAW), a lady friend approached me and wanted our help to get her Police certificate of Character, cleaned from a Conviction, she had when she was in her twenties, she is now 53 years old in 2018, 30 years later and it is still being registered on new Police Certificate of Character as having a Conviction.

At that time she was liming with a friend in Diego Martin and the Police came and found Cocaine in the sand near where she was standing. She and her friend were arrested, but she alone was charged for Possession of Cocaine, after refusing to give information on the person they were looking for.

My research, done on the Internet, in order to provide accurate guidance, showed that there is a provision in Law, to manage past Convictions. the most relevant is the UK's Rehabilitation of Offenders Act 1974 and South Australia's, Spent Convictions Act 2009. I could not find any specific Act which deals with the Trinidad and Tobago State, but my limited knowledge of Law, shows that, if we do not have a Statute for ourselves here, we rely on Common Law and what is in force in England at the time, which is "if a Conviction did carry a sentence of less than 12 months and/or a fine, it becomes spent (removed from a person's record) after 10 years, once the person does not get another conviction during that time, then the 10 years start from then."

This lady got her last Police Certificate of Character in January of this year, almost 30 years after 1989 the year of her first Conviction and it still noted in red ink, this past Conviction, which was :"POSSESSION OF COCAINE"**: Fined in the sum of Two Thousand (\$2000.00) Dollars in Default Four (4) months Hard Labour at Port of Spain Magistrate Court on 27.04.89.**

If any person on this Police Whatsapp Chat Group, including Senior Police Officers, can advise on the way forward, our organisation will be thankful, since we help women and men with their distress, as we know from experience, affects all in their everyday living, sometimes contributing to unacceptable behaviour and 30 years to carry baggage, which has already been determined in Law to carry only a 10 year Term, in my humble view is advantage, abuse, negligence and maybe other actions, carried on at high levels.

This Police Chat will be on my other Chats and on my Facebook page, in order to get maximum probono assistance, since MAVAW's work is self funded and done free of charge and we know there are learned Attorneys at Law, who share their experiences on Facebook, Wayne Sturge and Clyde Weatherhead to name two.

Of course, the research noted that there is a costly Court Process of Expungement and the Process of getting a Pardon from the President, but if her case can be rectified at this level, please let it be so.

Crime Prevention and Reduction is a multifaceted, complex matter and all hands must get on board to manage this critical issue, in order to achieve the best Sustainable Development Model for our beautiful Trinidad and Tobago.

We have an abundance of evidence that those we ascribe high Office to, sometimes make mistakes and are busy with other things, including inefficiency in line Management.

This Government's thrust in the National Crime Prevention Programme 2018 and the establishment of Community Crime Prevention Councils, Diego Martin being one of the Pilot Project Areas, is a light at the end of the Tunnel.

Let us all go forward there, Hand in Hand, for us now and for those to come in the future.

Signed.....Donald D. Berment, Specialist, HSDS/NGA/DVC.

Housing and Settlement development sector/Natural Growth Architect/Domestic Violence Counsellor.